

thorough. It is my view that this draft report, and then what the Members will agree to, will be the most thorough review of the intelligence community in the last decade. I also said that we will make every effort to hold public hearings, because the American people have a right to know, and we will let any political chips fall any way they want to fall.

I yield the floor.

The PRESIDING OFFICER. Who yields time? Under the previous order, the majority leader controls the next 23½ minutes and the Senator from California then would control 23½ minutes. The Senator from Mississippi.

Mr. LOTT. Mr. President, with the Senator's agreement I will go ahead and proceed since we did have, I think, about 27 or so minutes.

Mr. ROBERTS. I yield the floor. May I inquire as to how much time I have remaining?

The PRESIDING OFFICER. The Senator from Kansas has 5 minutes remaining.

Mr. ROBERTS. I ask unanimous consent that that time be yielded to the distinguished Senator from Mississippi.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Mississippi is recognized for 5 minutes.

#### KEEPING POLITICS OUT OF INTELLIGENCE COMMITTEE FUNCTION

Mr. LOTT. Mr. President, let me first commend and congratulate Senator ROBERTS, the chairman of our Select Committee on Intelligence, for the leadership he is giving on that very important committee. It is a very important and difficult assignment.

I thought his statement today was a very good one. I jokingly said, but I meant it sincerely, I could not quite tell when he went from quoting Churchill to speaking for himself because the eloquence was very close.

He makes a plea that is so important, and that is: Do not prejudice what the subcommittee is going to do. Members of the Intelligence Committee should not prejudice the information we are going to receive in the staff report. We should work together to see what we have and what conclusions we reach and what should be done. That is our job.

I acknowledge that this is another in a series of what has been described in many different ways but I just refer to it as "oops" hearings—oops, we missed something here. But it has been going on for years.

There was not a clear indication of what was happening in the Soviet Union, that they were imploding economically and they did not have the strength we thought they did in the defense area. We had Khobar Towers. We have had a series of events that our intelligence did not pick up. Once again, we find ourselves now, with the 9/11 Commission, working to see what we

missed perhaps in our intelligence and law enforcement community before 9/11. It should not be approached, though, with the idea of condemning some particular individual but finding out what happened: Why did we not do a better job? What did we not know? And more importantly, what are we going to do about it?

I am tired of oops hearings that happen after the fact and nothing really changes. Are we going to make a real change this time? Can we do a better job with our intelligence, and our intelligence community? I think we can.

By the way, when we start pointing a finger of blame, we better look in the mirror first. We have had these intelligence committees since the 1970s. We have known that their budget has not been adequate through much of the 1990s. We have known that we lost our ability to have human intelligence, people on the ground. It became politically incorrect in the 1970s to have the head of, say, a financial institution in Buenos Aires to be headed by an American who was an agent, or a journalist who was working for a newspaper but was an agent. We have made it extremely difficult. We have become too caught up in sophistication, thinking we could get enough with satellites or with technology. It is not enough.

I think what we need to do is lower the rhetoric. I know this is a political year, an election year. Everything is going to be somewhat political on both sides, but can we spare one thing, just one thing, from the political agenda? Can we not separate out intelligence and how we support it? Can that not be bipartisan? Now there is a call for an independent commission. We have even dropped "bipartisan." Now it is "independent."

Who decides that it is independent? Some people are indicating if the President calls for an independent commission, one to which he appoints good men and women, that is not independent, but if it is one established by the Congress where we name Republicans and Democrats; that is independent.

Quit the blame game. Ask legitimate questions. Work together. Draw conclusions and, more importantly, take action. Intelligence is so critical. In some respects it is even more critical than defense spending, because if we do not have good intelligence and if we do not have a reliable intelligence apparatus that works with our defense, our men and women are exposed to uncertainty, unknown difficulty, and death.

We are talking about the lives of young men and women. Is it good that we are condemning and revealing information about the quality of our intelligence community while our men and women are today in Iraq, Afghanistan, and all over the world, who are relying on the ability of our agents, the CIA, the DIA, the different organizations we have doing intelligence? Even doing that is dangerous, in my opinion.

We should do our work. I am not happy with the intelligence. I do not

think the intelligence was what it should have been. It was inadequate, maybe even inaccurate. But why? There was large agreement not only within our community but also with agencies from around the world.

Has my time expired?

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator's time has expired.

Mr. LOTT. I believe the Senator from Kansas yielded to me some more of his time, if I could inquire about using an additional 2 minutes.

The PRESIDING OFFICER. Under the previous order, the majority leader or his designee has 24½ minutes.

Mr. LOTT. Madam President, I yield myself an additional 2 minutes of time that has been designated for the leader or Senator ROBERTS. I will be brief because I know Senator FEINSTEIN is waiting.

Mr. ROBERTS. Will the Senator yield?

Mr. LOTT. I would be glad to yield.

Mr. ROBERTS. I think the original order has it that the majority leader or his designee will be recognized for the next 24 minutes. In discussing this with Senator FEINSTEIN, I know she has waited patiently and she has 22 minutes reserved.

I ask unanimous consent that after the remarks of Senator LOTT Senator FEINSTEIN be recognized for her remarks and we would reserve the remainder of our time.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LOTT. Madam President, I conclude by talking about what we should do now. The Intelligence Committee should do its job. We should not jump to conclusions. Let's review the report. Let's do our homework. We pushed so much of it off on our staff, now it is time we do it ourselves. Let's read what is in there and then let's decide what recommendations we are going to make.

Why do we have these committees that are evenly divided? I have studied the history. I have been involved in how the Intelligence Committee works. We have carefully tried to make sure we put our best on that committee and that it is equally divided and that it is not partisan. The same thing in the House. Now it is time we lead and show some direction.

I hope we will take some action. I am for actually making some really aggressive rules. I am not sure our intelligence community is set up properly. I don't like the idea that we have 13 different agencies running around. Who is in charge, who coordinates and asks them and directs them? I think there are some problems there.

Then there are those saying we need an independent commission. The President said we should have one. Let's do everything we can to find out the facts and see the recommendations and take action and reassure ourselves and the American people. Now that is being condemned.

I think we should do our work in the Intelligence Committee. Let the President appoint this independent commission. Let's do this job in a responsible way and not rush to judgment.

There will be efforts today to say, well, the report is totally inadequate, before the Senators even read the report. I realize Senators don't like to have lengthy sessions of reading material to review these recommendations. But never before has it been more important that we do this right.

I think we should make changes. I personally think there need to be some personnel changes. That may not be my decision. But hopefully I can help get a result that will make sure we don't have another, "Oh, my God, what didn't we know?" hearing. This is too serious. I urge my colleagues on both sides of the aisle, let's do our job, let's do it in a nonpartisan way, and let's try to keep politics, as much as we can, at least out of Intelligence.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

#### INDEPENDENT COMMISSION ON INTELLIGENCE

Mrs. FEINSTEIN. Madam President, I thank the chairman of the Intelligence Committee for his remarks. I think he well and ably set out the structure of what we are doing.

I also thank Senator LOTT for his remarks, particularly the remarks that said we should work together. That has been one of the problems. I want to go into that.

But before I do, I would like particularly to thank the Senator from Florida, the former chairman of the Senate Select Committee on Intelligence, for his three speeches. I had the privilege of previewing these. I think he delivered them eloquently and forcefully. I want him to know I very much appreciate his careful scholarship and his reasoned approach, which mark not only his remarks here but also his tenure as chairman of the Intelligence Committee. He has presided over what continues to be one of the most difficult chapters in the history of our intelligence community.

Senator LOTT has just said, with considerable spark, that we should work together. I could not agree more.

Second, the committee has been prevented from examining the use of intelligence by policymakers. This I believe is a real problem. Our own resolution sets out that we should be able to examine the use of intelligence by policymakers and administration officials. To a great extent this is the reason we are here today creating an independent commission which will have more authority than the elected officials of this Government have.

I learned this morning that the independent commission that is functioning today has access to the President's daily intelligence briefs. The Intelligence Committee of the Senate

does not have access to the President's daily intelligence briefs, nor have we had, to the best of my knowledge, through this investigation.

I was very pleased to see that over the past weekend the President has apparently reversed course, accepting the recommendations from Dr. Kay, from Members of the Senate, and from a host of experts to the effect that only a full and outside investigation will be able to be both credible and acceptable to the world at large.

I did not believe so before. I voted against the Corzine resolution when it came up before. I changed my mind because if we, the elected representatives, are not permitted to look into the use of intelligence as provided by S. Res. 400, and it has to be an outside committee that will have that right, so be it. But I find it to be really idiosyncratic, because I believe the full power should be vested in the officials of our Government, of which the Senate plays a very major role, not necessarily always an independent committee, as it appears to be happening.

Such a commission, though, will be able to remove some of the partisanship that has infected this issue and, I hope, provide a reasoned, careful, and credible assessment. I am concerned that the President has let it be known he intends to appoint all of the members of the commission and carry this out through Executive Order. This I believe will adversely affect the commission's independence.

Let me give you an example. Many believe the handling of the National Commission on Terrorist Attacks on the United States—that is a Commission now functioning—headed by Gov. Thomas Keane and Congressman Lee Hamilton, is a case in point. There have been many reports that chronic delays in providing documents and foot dragging in arranging interviews have frustrated the efforts of this Commission to complete its work within the timeline the White House insisted upon.

The Commission is asking for an extension of time and Senators MCCAIN and LIEBERMAN have introduced legislation to do so. I understand the President yesterday agreed to extend this timetable to July 26 of this year. I strongly believe the Commission should be given whatever time it needs to complete its examination and we, in fact, should pass the McCain-Lieberman bill.

Nevertheless, it is my hope that a commission, whether it is created by Executive order or by statute, will be able to answer four questions.

The first is: Were the prewar intelligence assessments of the dangers posed by Saddam Hussein's regime wrong? This is not as simple a question as it seems, for in the months prior to the invasion of Iraq these assessments had two separate, equally important parts. The first is whether Iraq had the capability to place the United States in such danger as to warrant the unprece-

dented step of a unilateral preemptive invasion of another sovereign nation. Just two days ago Secretary Powell, asked if he would have recommended an invasion knowing Iraq had no prohibited weapons, replied: "I don't know because it was the stockpile that presented the final little piece that made it more of a real and present danger and threat to the region and to the world." He added: "The absence of a stockpile changes the political calculus; it changes the answer you get."

Second, was such a threat imminent or was it grave and growing? Critical to this debate during the Summer and Fall of 2002 was the immediacy of the threat which supported the argument that we needed to attack quickly, could not wait to bring traditional allies aboard or to try other options short of invasion.

The second question is: Whether the intelligence assessments were bad as well as wrong.

This requires a fine distinction between an intelligence assessment that is wrong, and one that is bad. Intelligence assessments are often wrong, for by their nature they are an assessment of the probability that a future event will take place. But wrong does not always mean bad. Sometimes an intelligence assessment follows the right logic and fairly assesses the amount, credibility and meaning of collected data, and still is wrong. What the independent commission needs to do is to separate these two different, but related, issues.

The third question is to determine—if the intelligence assessment was both bad and wrong—to what degree and why?

Did the intelligence community negligently depart from accepted standards of professional competence in performing its collection and analytic tasks?

Was the intelligence community subject to pressures, personal or structural, which caused it to reach a wrong result through bad analysis?

Were the ordinary internal procedures by which intelligence is subject to peer review properly carried out?

A commission must delve deeply into the mechanisms of intelligence analysis to reach these answers.

The fourth and final question is whether the intelligence assessments reached by the intelligence community, whether right or wrong, good or bad, were fairly represented to the Congress and to the American people. Did administration officials speaking in open and closed session to members of Congress accurately represent the intelligence product that they were relying upon? Were public statements, speeches and press releases, fair and accurate? This is the cauldron boiling below the surface.

This final question is particularly grave, because it touches upon the constitutionally critical link between the executive and legislative branches. The Founders knew what they were doing